

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

- against -

TWS FINANCIAL, LLC,

Defendant.

-----X

ROSLYNN R. MAUSKOPF, United States District Judge.

MEMORANDUM AND ORDER
13-CV-3028 (RRM)

Movants Mark Wesley, James Avola, and George Simon, appearing *pro se*, seek relief from an automatic stay, entered in this case on May 31, 2013, barring the “commencement or continuation . . . of a judicial, administrative or other proceeding against the Defendant,” TWS Financial, LLC. (*See* Stay Order (Doc. No. 20) at 2.) From their papers, movants appear to be involved in an arbitration proceeding against TWS Financial and others, commenced before FINRA in or about December 2012. Movants allege that the stay order has prevented movants from obtaining necessary discovery in, and otherwise proceeding with, the FINRA proceeding.

Movants’ request (Doc. No. 23) is made in the wrong court. This Court’s order instituting the stay also provides that, “pursuant to 15 U.S.C. § 78eee(b)(4), this liquidation proceeding is removed to the United States Bankruptcy Court for the Eastern District of New York. (Stay Order at 5.)¹ As such, the proper venue to request relief from the stay is the bankruptcy court. Indeed, movants themselves seem to acknowledge that the bankruptcy court is the proper venue for the relief they seek, as the caption on their motion, filed here, states, “IN THE UNITED STATES BANKRUPTCY COURT / EASTERN DISTRICT OF NEW YORK.”

¹ The matter is now pending in that court, under Case Number 1-13-01152-ess.

For these reasons, the Court denies movants' application. The Clerk of the Court is respectfully requested to mail a copy of this order to movants at the addresses listed below:

Mark Wesley
608 Circle Trace Rd.
Monroe, NC 28110

James Avola
6808 Rollingridge Dr.
Charlotte, NC 28211

George Simon
2299 NW 4th Ave.
Boca Raton, FL 33431

SO ORDERED.

Dated: Brooklyn, New York
August 12, 2013

Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge